

# HOUSE BILL NO. 5472

February 06, 2020, Introduced by Reps. Cambensy, Anthony, Hope, Brenda Carter, Kennedy, Cherry, Sneller, Sabo, Kuppa, Cynthia Johnson, Garrett, Rabhi and Jones and referred to the Committee on Health Policy.

A bill to amend 1978 PA 368, entitled  
"Public health code,"  
by amending section 20165 (MCL 333.20165), as amended by 2008 PA  
39.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1           Sec. 20165. (1) Except as otherwise provided in this section,  
2 after notice of intent to an applicant or licensee to deny, limit,  
3 suspend, or revoke the applicant's or licensee's license or  
4 certification and an opportunity for a hearing, the department may



1 deny, limit, suspend, or revoke the license or certification or  
2 impose an administrative fine on a licensee if 1 or more of the  
3 following exist:

4 (a) Fraud or deceit in obtaining or attempting to obtain a  
5 license or certification or in the operation of the licensed health  
6 facility or agency.

7 (b) A violation of this article or a rule promulgated under  
8 this article.

9 (c) False or misleading advertising.

10 (d) Negligence or failure to exercise due care, including  
11 negligent supervision of employees and subordinates.

12 (e) Permitting a license or certificate to be used by an  
13 unauthorized health facility or agency.

14 (f) Evidence of abuse regarding a patient's health, welfare,  
15 or safety or the denial of a patient's rights.

16 (g) Failure to comply with section 10115.

17 (h) Failure to comply with part 222 or a term, condition, or  
18 stipulation of a certificate of need issued under part 222, or  
19 both.

20 (i) A violation of section 20197(1).

21 **(j) A violation of the prohibition of overtime in health care**  
22 **act.**

23 (2) The department may deny an application for a license or  
24 certification based on a finding of a condition or practice that  
25 would constitute a violation of this article if the applicant were  
26 a licensee.

27 (3) Denial, suspension, or revocation of an individual  
28 emergency medical services personnel license under part 209 is  
29 governed by section 20958.



1           (4) If the department determines under subsection (1) that a  
2 health facility or agency has violated section 20197(1), the  
3 department shall impose an administrative fine of \$5,000,000.00 on  
4 the health facility or agency.

5           **(5) If the department determines under subsection (1) that a**  
6 **licensee has violated the prohibition of overtime in health care**  
7 **act, the department shall impose an administrative fine of not less**  
8 **than \$100.00 and not more than \$1,000.00 on the licensee for each**  
9 **violation and may impose any of the sanctions described in**  
10 **subsection (1). In determining the amount of the administrative**  
11 **fine under this subsection, the department shall consider whether**  
12 **the violation by the licensee is a second or subsequent violation**  
13 **of the prohibition of overtime in health care act.**

14           Enacting section 1. This amendatory act does not take effect  
15 unless Senate Bill No. \_\_\_\_\_ or House Bill No. 5471 (request no.  
16 04277'19) of the 100th Legislature is enacted into law.

